GARY S. ROSE (#83744) 1 IT IS SO ORDEREI CHARLES B. PERKINS (#126942) FLYNN, ROSE & PERKINS 2 S MODIFIE 59 North Santa Cruz Avenue, Suite Q Los Gatos, California 95030 3 (408) 399-4566 gsroselaw@hotmail.com 4 Judge James Ware cbperk@earthlink.net 5 Attorneys for DR. JOEL DREXEL 6 7 DISTRICT UNITED STATES DISTRICT COURT 8 NORTHERN DISTRICT OF CALIFORNIA 9 10 Case No. CV08 3653 JW DR. JOEL DREXEL, 11 Plaintiff, STIPULATION TO CONTINUE 12 MEDIATION DEADLINE, CLOSE OF VS. DISCOVERY, LAST DAY FOR 13 HEARING DISPOSITIVE MOTIONS, BERKSHIRE LIFE INSURANCE COMPANY OF AMERICA; THE PRELIMINARY PRE-TRIAL 14 CONFERENCE and [P **GUARDIAN LIFE INSURANCE** COMPANY OF AMERICA, DOES I ORDER 15 THROUGH V, INCLUSIVE, AND ROE CORPORATIONS I THROUGH V, 16 INCLUSIVE, 17 Defendants. 18 The parties hereto, by their attorneys of record, hereby stipulate as follows: 19 WHEREAS, this case arises out of Defendants' denial of Plaintiff's claim for long-term 20 disability benefits; 21 WHEREAS Plaintiff JOEL DREXEL has previously been represented by his father-in-22 law, Reza Athari, an immigration law specialist; 23 WHEREAS, on April 7, 2009, Plaintiff JOEL DREXEL filed papers to substitute Gary S. 24 Rose and Charles B. Perkins of Flynn, Rose & Perkins, A Professional Association, whose 25 practice emphasizes insurance disputes and disability benefit litigation, as his counsel of record; 26 WHEREAS, this case is currently subject to the following schedule: 27 Deadline to complete mediation, May 6, 2009 28

Case 5:08-cv-03653-JW Document 24 Filed 04/28/09 Page 1 of 3

STIPULATION TO CONTINUE MEDIATION DEADLINE, CLOSE OF DISCOVERY, LAST DAY FOR HEARING DISPOSITIVE MOTIONS, PRELIMINARY PRE-TRIAL CONFERENCE and [PROPOSED] ORDER Case No. CV08 3653 JW

Page 1

Case 5:08-cv-03653-JW Document 24 Filed 04/28/09 Page 2 of 3

Close of all discovery, August 3, 2009 1 Last day for hearing of dispositive motions, October 5, 2009 Preliminary Pre-Trial Conference, June 29, 2009 2 WHEREAS, the current schedule will require the attorneys for the parties to spend 3 substantial time and incur significant costs in the short term; 4 WHEREAS, Plaintiff's new counsel and Defendant's counsel have met and conferred and 5 agreed that the parties are more likely to have a successful mediation, thereby avoiding potentially 6 unnecessary costs and use of court time, if the current deadlines are continued for approximately 7 120 days; 8 NOW, THEREFORE, the parties to this matter, by and through their attorneys of record, 9 hereby stipulate to continuance of the pending deadlines in this matter and request the court to 10 enter an order in accord with this stipulation. The new dates proposed by the parties are as 11 follows: 12 Deadline to complete mediation, September 4, 2009 13 Close of all discovery, December 2, 2009 Last day for hearing dispositive motions, February 1, 2010 14 Preliminary Pre-Trial Conference, October 26, 2009 15 IT IS SO STIPULATED: 16 DATE: April 10, 2009 FLYNN, ROSE & PERKINS 17 18 CHARLES B. PERKINS 19 Attorney for Joel Drexel 20 21 DATE: And 10, 2009 WILSON, ELSER, MOSKOWITZ, EDELMAN 22 & DECKER, LLP 23 By 24 Attorney for Berkshire Life Ins. 25 Co. of America and The Guardian Life Ins. Co. of America 26 27

28

1 2

3

4 5

6

7 8

9

10

11

12

13

14 15

16

17 18

19

20

21

22 23

24

25

26 27

28

Having considered the Stipulation of the parties requesting the continuance of the mediation deadline, the close of discovery, the last day for dispositive motions, and the preliminary pretrial conference, and, good cause appearing, the court hereby vacates the existing dates and orders the parties to comply with the following schedule:

Deadline to Complete Mediation:

July 6, 2009

Close of All Discovery:

September 14, 2009

Last Date for hearing of Dispositive Motions: November 16, 2009 at 9 a.m. Preliminary Pre-Trial Conference:

August 31, 2009 at 11 a.m.

Preliminary Pre-Trial Statement:

August 21, 2009

IT IS SO ORDERED.

DATE: April 28, 2009

District Court Judge